IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

KAYLA GORE; JASON SCOTT; L.G.; and K.N., Plaintiffs,)))
V.) No. 3:19-cv-00328
WILLIAM BYRON LEE, in his official capacity as Governor of the State of Tennessee; and LISA PIERCEY, in her official capacity as Commissioner of the Tennessee Department of Health, *Defendants*.	 Judge Eli J. Richardson Magistrate Judge Barbara D. Holmes

DECLARATION OF DIANNA BAKER SHEW

- 1. I, Dianna Baker Shew, am an attorney licensed to practice law in the State of Tennessee and admitted to practice before all of the federal district courts of this State. Along with my colleagues at the Tennessee Attorney General's Office, I represent the Defendants in this case.
- 2. We have exchanged written discovery with the Plaintiffs in this case but neither party has taken any depositions as of this date.
- 3. The Amended Complaint (Doc. 59), filed March 3, 2020, added a plaintiff. Defendants propounded written discovery on that plaintiff on March 18, 2020.
- 4. On March 17, 2020 Defendants filed a Motion to Dismiss the Amended Complaint (Doc. 65) and Memorandum of Law in support of that motion (Doc. 66).
- 5. On March 9, 2020 Plaintiffs filed a Motion for Summary Judgment (Doc. 60) and Memorandum of Law in support of that motion (Doc. 61). The motion includes as exhibits

declarations by two experts and all four plaintiffs. Plaintiffs also filed the declaration of their counsel (Doc. 62) which includes twenty exhibits.

6. Defendants' deadline for responding to Plaintiffs' Motion for Summary Judgment is currently April 6, 2020. Defendants seek an extension of time through July 10, 2020. Defendants seek an extension of time to respond not for purposes of delay, but so that they can complete the necessary discovery to adequately prepare a response. At a minimum, Defendant will review the discovery responses received from new plaintiff Jaime Combs, depose all four plaintiffs, and depose the two experts disclosed by Plaintiffs. Without additional time, Defendants will not be able to respond adequately to Plaintiffs' motion.

7. Plaintiffs' counsel has advised that they "do not oppose a limited extension of say two weeks if necessary as a result of our new circumstances related to the COVID-19 pandemic. Plaintiffs oppose, however, the requested 13 and ½ week extension. " A two week extension, until approximately April 20, will not provide sufficient time to review the new plaintiff's discovery responses, depose all four plaintiffs, depose two expert witnesses and then prepare an adequate response. The logistics would be nearly impossible under the best of circumstances, and our current public health environment exacerbates the problem.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 18th day of March 2020.

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Counsel for the Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of March 2020 I filed the foregoing electronically through the Court's CM/ECF System and thereby served the following:

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s/ Dianna Baker Shew
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